

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

MARK KROTOSKI (CASBN 138549)
Chief, Criminal Division

DEREK R. OWENS (CASBN 230237)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6488
Fax: (415) 436-7234
derek.owens@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No.: 3-07-70083 MEJ
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING
v.)	<u>AND EXCLUDING TIME</u>
)	
ERNESTO R. RODRIGUEZ,)	
)	
Defendant.)	
)	

On May 4, 2007, the parties in this case appeared before the Court for a preliminary hearing. At that time, the parties requested and the Court agreed to continue the hearing to May 17, 2007. The parties hereby jointly and respectfully request the court to continue the hearing currently scheduled for May 17, 2007 to May 25, 2007 at 9:30 a.m. before the Honorable Elizabeth D. Laporte.

The parties further stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from May 17, 2007 to and including May 25, 2007. The parties agree that – taking into account the public interest in prompt

disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represent that granting the continuance is the reasonable time necessary for continuity of defense and government counsel and effective preparation of defense and government counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

5/16/2007
DATED: _____

/s/ Derek Owens

DEREK OWENS
Special Assistant United States Attorney

5/16/2007
DATED: _____

/s/ Gayle Gutekunst

GAYLE GUTEKUNST
ROBERT M. AMPARAN
Attorneys for Enrique Rodriguez

For the reasons stated above, the Court orders the May 17, 2007 preliminary continued to May 25, 2007 at 9:30 a.m. before the Honorable Elizabeth D. Laporte. Also for the reasons stated above, the Court finds that an exclusion of time from May 17, 2007 to and including May 25, 2007, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny Mr. Rodriguez continuity of counsel and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

THE HON. NANDOR J. VADAS
United States Magistrate Judge

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